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12 UNITED STATES DISTRICT COURT

13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 F.G. CROSTHWAITE, et al., 15 Plaintiffs, 16 vs. 17 GIACALONE ELECTRICAL SERVICES, INC., et al., 19 Defendants.	18 Case No.: C12-6178 SI STIPULATED REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER CMC: 6/27/14 Time: 3:00 pm Ctrm: 10 (19 th Floor) Location: 450 Golden Gate Avenue San Francisco, CA Judge Honorable Susan Illston
21 PENSION PLAN FOR PENSION TRUST 22 FUND FOR OPERATING ENGINEERS, et al., 23 Plaintiffs, 24 vs. 26 GIACALONE ELECTRICAL SERVICES, INC., et al., 27 Defendants.	22 Case No.: CV 13-02338-SI STIPULATED REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER CMC: 6/27/14 Time: 3:00 pm Ctrm: 10 (19 th Floor) Location: 450 Golden Gate Avenue San Francisco, CA Judge Honorable Susan Illston

1 In accordance with Rule 16 and 26(f) of the Federal Rules of Civil Procedure, Northern
 2 District Local Rule 16-9, Standing Order for All Judges of the Northern District of California, and
 3 Honorable Susan Illston's Case Management Order, the parties hereto submit this Stipulated
 4 Request to Continue the Case Management Conference.

5 **Related Actions**

6 1. On June 18, 2013, the Court related *Crosthwaite v. Giacalone Electrical Services, Inc., et al.*, Case No. CV12-6178 SI ("Contributions Action") to *Pension Plan for Pension Trust Fund for Operating Engineers, et al., v. Giacalone Electrical Services, Inc., et al.*, Case No. CV13-2338 ("Withdrawal Liability Action"). Docket No. 38.

10 2. In the Contributions Action, Plaintiffs seek delinquent contributions and other related sums in excess of \$850,000 found due to the Operating Engineers Trust Funds ("Trust Funds") upon audit of the records of Defendant Giacalone Electrical Services, Inc. ("Giacalone Electrical") for the time period January 1, 2005, through July 24, 2009.

14 3. In the Withdrawal Liability Action, Plaintiffs seek withdrawal liability of \$2,231,762 and other related sums as a result of Defendant Giacalone Electrical's withdrawal from the Pension Plan for Pension Trust Fund for Operating Engineers ("Plan").

17 **Defendants**

18 4. Defendant Giacalone Electrical was named in the Contributions Action and the Withdrawal Liability Action, and the Court entered default against said defendant in both actions. Docket Nos. 22 and 33, respectively.

21 5. Defendants Giacalone McDermott Management, LLC, Luchessa Road, LLC, Ronan Avenue Investors, LLC were named only in the Withdrawal Liability Action, and the Court entered default against said defendants. Docket Nos. 22 and 30.

24 6. Defendant Giacalone Design Services, Inc. was only named in the Contributions Action and has been dismissed. Docket No. 54.

26 7. Defendants VLG2, LLC, and Crow Court LLC, were only named in the Withdrawal Liability Action and have been dismissed. Docket No. 39.

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1 8. A mediation was held on December 11, 2013, with court appointed mediator James
2 Fleming. Plaintiffs and Defendants Gilroy Construction, Inc. ("Gilroy"), Vincent Giacalone and
3 Lisa Giacalone participated in the mediation.

4 9. As a result of the mediation Plaintiffs and Defendant Gilroy agreed to a settlement.
5 Docket No. 56. The terms of the settlement solely with Defendant Gilroy have been satisfied in
6 full and a dismissal of Defendant Gilroy pursuant to stipulation is being filed concurrently
7 herewith.

8 10. Defendants Vincent Giacalone and Lisa Giacalone were only named in the
9 Withdrawal Liability Action and are the only remaining Defendants who have appeared in said
10 action.

11 11. In the Stipulated Request to Continue filed on March 10, 2014, it was indicated that
12 Plaintiffs would take certain depositions. On May 20, 2014, Plaintiffs took the deposition of
13 William Finn, accountant for Defendants.

14 12. On April 21, 2014, Plaintiffs served discovery on Defendants Vincent Giacalone
15 and Lisa Giacalone and have agreed to an extension until June 23, 2014, for Defendants to respond
16 to said discovery. Upon review of Defendants' discovery responses, the parties intend to
17 participate in further settlement negotiations.

18 13. In the event settlement negotiations are unsuccessfully, Plaintiffs intend to file a
19 motion for summary judgment and motion for default judgment to be heard by Friday September
20 19, 2014.

21 14. Based on the foregoing, the parties who have appeared in this action and not been
22 defaulted or dismissed hereby request to continue the Case Management Conference to Friday
23 September 19, 2014, to coincide with the hearing on the motions.

24 Dated: June 6, 2014

SALTZMAN & JOHNSON LAW CORPORATION

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By: _____/s/
Shaamini A. Babu, Esq.
Attorney for Plaintiffs

1 Dated: June 6, 2014

SWEENEY, MASON, WILSON & BOSOMWORTH

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3 By: _____/s/

4 Roger M. Mason

5 Attorneys for Defendant Gilroy Construction, Inc.

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ORDER

7 IT IS SO ORDERED.

8 Based on the foregoing and good cause appearing, the Case Management Conference is
9 continued to Friday September 19, 2014. The parties who have appeared in this action and not
10 been defaulted or dismissed must file a Case Management Conference Statement by Friday
11 September 12, 2014.

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Date: _____

6/9/14



15 THE HONORABLE SUSAN ILLSTON
16 UNITED STATES DISTRICT COURT JUDGE

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